

REMARKSI. Introduction

In response to the Office Action dated December 28, 2006, claim 30 has been amended. Claims 1-13, 15-28 and 30-42 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to claim 30 as indicated above. These amendments were made solely for the purpose of clarifying the language of the claim, and were not required for patentability or to distinguish the claim over the prior art.

III. Non-Art Rejections

In sections (4)-(5) of the Office Action, claim 15 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. According to the Office Action, in claim 15, which recites "specifying a customer level to determine how to aggregate the customer transaction data," it is unclear what the customer level is identifying.

Applicants' attorney respectfully traverses these rejections and asserts that the claim language is definite.

Consider, for example, the discussion at page 8, line 8 of the specification:

With regard to the customer level, this defines the population of individuals whose purchasing behavior will be included as part of the analysis. The user specifies the customer level to determine how to "roll up" or aggregate the customer transaction data representing purchases. For example, if the customer level is individual, the first purchase of the focal product will be calculated by the CRM Engine 104 for each individual in a household, and each individual will be counted separately. On the other hand, if the customer level is household, then the first purchase of the focal product by any member of the household is used as time interval 0 by the CRM Engine 104 and purchases of all individuals in the household are used to determine the results of the analysis.

In view of this discussion, Applicants' attorney submits that the limitations of claim 15 are clearly defined. Consequently, Applicants' attorney requests withdrawal of the rejection.

#### IV. Prior Art Rejections

##### A. The Office Action Rejections

In sections (4)-(5) of the Office Action, claims 1-13, 16-28, and 30-42 were rejected under 35 U.S.C. §102(e) as being anticipated by Fuisz et al., U.S. Patent No. 6,718,310 (Fuisz). In sections (6)-(7) of the Office Action, claims 14-15, 29, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fuisz in view of McArdle, U.S. Publication No. 2003/0018514 (McArdle).

Applicants' attorney respectfully traverses these rejections in view of the amended claims above.

##### B. The Applicants' Independent Claims

Independent claims 1, 16 and 30 are directed to performing customer management relationship processing in a computer. Claim 1 is representative, and comprises the steps of: (a) selecting a segment of customers from a database managed by the computer based on one or more user-specified attributes; (b) accessing customer transaction data from the database managed by the computer, wherein the selected segment of customers is used to identify the customer transaction data; and (c) performing a pattern detection function in the computer using the customer transaction data accessed from the database managed by the computer, wherein the pattern detection function finds patterns in customer purchasing behavior, as evidenced by the customer transaction data, related to a sequence of when purchases occur, by comparing a focal product set to an analysis product set using a time frame for an initial focal product set purchase, and a number of time intervals for one or more analysis product set purchases before and after the initial focal product set purchase.

##### C. The Fuisz Reference

Fuisz describes methods that provide for auditing of on-line commercial transactions to determine what products are the primary motivations for a customer to begin an on-line shopping session. When a purchase is made during a shopping session, the method determines whether a purchased product is related to a previous "prime motivator" product. If so, the product is designated as a derivative product and a derivative count associated with the product is incremented. If not, the product itself is designated a prime motivator product and a prime motivator count associated with the product is incremented. The method may be repeated for every purchase fielded by an on-line commercial site.

D. The McArdle Reference

McArdle describes a system, program, and method which makes segment migration, the movement of individuals between segments over time, easily trackable, and provides a visualization that makes the results of the analyses useful. The preferred embodiment tracks which people are in which segment at each time period, then builds a file that gives, by person, a description of which segment(s) each person belonged to during each time period. From this table, a display is drawn which indicates in an intuitive manner the migration of members of different segments over time. These enhanced segmentation analyses allow the user to easily study and predict customer behaviors.

E. Applicants' Independent Claims Are Patentable Over The References

Applicants' invention, as recited in independent claims 1, 16 and 30, is patentable over the Fuisz and McArdle references, because the claims recite limitations not found in the references.

Fuisz merely provides for auditing of on-line commercial transactions to determine what products are the primary motivations for a customer to begin an on-line shopping session, while McArdle merely provides for analyzing customer segment migration comprising the movement of individuals between segments over time.

For example, Fuisz does not teach or suggest comparing a focal product set to an analysis product set using a time frame for an initial focal product set purchase, and a number of time intervals for one or more analysis product set purchases before and after the initial focal product set purchase. Instead, Fuisz only performs an analysis of purchases following a prime motivator purchase (e.g., a derivative in Fuisz is defined as a product purchased after the prime motivator).

In another example, McArdle does not teach or suggest selecting a segment of customers and then identifying and accessing customer transaction data using the selected segment of customers. Instead, McArdle performs exactly the opposite function, i.e., it collects transaction data, which is then used to assign customers to segments. Moreover, McArdle teaches the use of customer segments for a completely different reason, namely for monitoring segment migration, but nowhere refers to segment selection in the context of identifying customer transaction data for a pattern detection function that finds patterns in customer purchasing behavior.

In addition, the assertion by the Office Action that, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Fuisz by

McArdle is unsupported by the evidence, and merely comprises hindsight by the Office Action. Under M.P.E.P. §2141.01, "[t]he references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention."

However, the Office Action asserts the following:

"Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Fuisz et al. to allow a user to select a segment of customers from a database based on a specified attribute, where the selected customers are used to identify customer transaction data because by allowing a user to indicate what type of data they desire to be selected from a database provides the user with more control and flexibility to manipulate and work with the customer data, thereby enhancing the various ways the user can analyze the customer purchasing behavior data." (Emphasis added.)

This alleged motivation can nowhere be found in either Fuisz or McArdle. Indeed, this motivation is provided only by the Office Action itself, which is the definition of hindsight.

In addition, the Office Action nowhere explains how the segment migration functions of McArdle can be combined with the auditing functions of Fuisz to accomplish the limitations of Applicants' claims. It is Applicants' attorney's position that the references cannot be so combined, because they are directed at different functions accomplishing different results.

Thus, Applicants' attorney submits that independent claims 1, 16 and 30 are allowable over the Fuisz and McArdle references. Dependent claims 2-13, 15, 17-28 and 31-42 are submitted to be allowable over the Fuisz and McArdle references in the same manner as the independent claims, because they are dependent on independent claims 1, 16 and 30, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-13, 15, 17-28 and 31-42 recite additional novel elements not shown by the Fuisz and McArdle references.

#### V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited.

Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

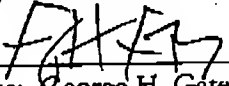
GATES & COOPER LLP  
Attorneys for Applicants

Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Date: March 27, 2007

GHG/

G&C 30145.425-US-U1

By:   
Name: George H. Gates  
Reg. No.: 33,500